

## **Information Item**

### **Discussion of Draft Amendment of Delta Plan Revisions for Conveyance, Storage Systems, and the Operation of Both**

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**Summary:** The Council will continue discussions on the proposed Delta Plan amendment for Conveyance, Storage Systems, and the Operation of Both (Delta Plan CSO amendment), and hear from experts in panel discussions examining the science behind the amendment and the potential effects of the amendment.

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### **Background**

The Council is proposing to amend the Delta Plan to promote options for water conveyance, storage systems, and the operation of both as required by Water Code Section 85304. The draft Delta Plan CSO amendment includes recommendations for Delta water management system operations and supporting infrastructure improvements that, together and in combination with existing Delta Plan policies and recommendations, will further the coequal goals. The draft Delta Plan CSO amendment promotes options for, and characteristics of, conveyance, storage, and operations that contribute to a coordinated system with improved flexibility to meet the coequal goals.

This amendment is proposed to be included as part of the overall Delta Plan that was originally adopted by the Council in May 2013. The Delta Plan is comprised of 8 chapters, was guided by the comprehensive requirements of the Delta Reform Act, and was shaped over the course of 3 years through multiple public drafts, including over one hundred public meetings.

While the Delta Plan CSO amendment has a specific focus, it is intended to work together with the other existing Delta Plan elements, including recommendations and regulatory policies that reduce risk and protect water quality, high-priority habitat areas, Delta as Place values, and more. A compilation of all the Delta Plan policies and recommendations is excerpted from the Delta Plan Executive Summary and included as Attachment 1. The Delta Plan CSO draft should be read in tandem with Delta Plan requirements to reduce reliance and increase regional self-reliance, Delta as Place protections, and with the Delta Plan's guidance regarding more natural, functional flows for the ecosystem.

The Delta Plan CSO draft provisions are recommendations, not regulations. They are only intended to provide guidance to agencies implementing projects, but do not apply to a project's consistency with the Delta Plan under Water Code section 85225, or any appeal to the Council of a certification under Water Code sections 85225.5 et seq. This amendment would modify portions of Chapter 3 of the Delta Plan.

To achieve the coequal goals, there is a need to change the way water is managed and water systems are operated in the Delta. Maintaining the status quo will make achieving the coequal goals impossible in the future, and poses a significant risk of continued habitat and species decline and uncertainty in water supplies exported from the Delta.

The magnitude of operational changes needed to achieve the coequal goals will not be possible without new investments in water infrastructure, namely improvements to water conveyance and storage facilities. Further, operational and infrastructure improvements need to progress together and in coordination with other actions identified in the Delta Plan, such as those related to restoring and enhancing the Delta ecosystem, protecting Delta as a Place values, improving water quality, achieving greater regional self-reliance and reduced reliance on the Delta, and reducing risks to people and property.

The draft amendment describes the types and characteristics of infrastructure that could contribute to the coequal goals, and also identifies recommended criteria for project proponents to use in evaluating, developing, and operating new conveyance and storage projects. Types of options promoted in the amendment include:

- The development of operational plans for existing and new water systems in the Delta, and the desirable characteristics of such plans;
- The physical and operational characteristics of new or improved conveyance in the Delta; and
- The types and characteristics of new/expanded groundwater storage projects that could contribute to the coequal goals and the goals of the Sustainable Groundwater Management Act (SGMA).

## **Status**

At the April 28, 2017 Council meeting, staff presented a revised discussion draft Delta Plan CSO amendment (discussion draft) and received feedback from the Council and the public. Council comments on the discussion draft and staff responses are provided in detail by amendment section and topic in Attachment 2: *Summary of Council Comments on the Revised Discussion Draft of the Proposed Delta Plan Amendment on Conveyance, Storage Systems, and the Operation of Both from the April 28, 2017 Delta Stewardship Council Meeting*. Major themes and responses for each section are summarized below.

## **Introduction**

Council members were generally supportive of the revised introduction and expanded background narrative; however, a few additional improvements were requested.

**Staff Response:** In revising the discussion draft, staff identified opportunities to further highlight and reinforce the important themes and language highlighted by Council members.

### Problem Statement

Council members engaged in a thorough walk-through discussion of the problem statement, and noted several areas where the draft could be strengthened or additional information should be provided.

Staff Response: Staff made several revisions in response to the discussion including the following:

- The term “natural flow regimes” was inserted in place of “flow alteration,” and a definition for this term included in a footnote. Urbanization was added as a factor.
- Staff identified several additional areas where scientific references could be cited and added new references.
- Text was added to describe reverse flows and how conveyance improvements could address them.
- More specific information on protective project implementation plans was incorporated into the recommendations section of the amendment (I.B.2(g)).
- Staff reviewed the amendment language and, where appropriate, identified specific agencies and their role(s). In addition, staff is providing a table showing the regulatory roles of State and federal agencies relevant to water conveyance, storage, and operations (Attachment 3. *Regulatory Context for Water Conveyance, Storage, and Operations in California*), which was previously presented to the Council in March 2016.
- Text on page 14 revised as noted: “...the CVP and SWP pumping facilities in the south Delta will ~~are likely to~~ continue to operate ~~well into the future.~~”

### Conclusion

*New and Improved Water Conveyance.* Council members had several specific comments in this section. Generally, the Council noted that the text should be more specific as to whom (what agency or entity) should be taking the recommended actions. The Council requested that more specific recommendations be included on minimizing or mitigating the effects of new conveyance infrastructure in the Delta. The Council also requested definitions for some of the terms such as “cost-effectiveness”.

Staff Response: Staff made several edits in response to the Council comments as listed below.

- Text was further revised to clarify that the intent is to promote a dual-conveyance system that can make use of a combination of existing and new intake facilities (multiple intakes). Multiple intakes would allow greater flexibility in diverting

water, depending on flow conditions and the presence of native fish in different parts of the Delta.

- Text was reviewed and revised to remove passive language and identify responsible entities (agencies, project proponents, etc.), as appropriate.
- State Water Resources Control Board (Water Board) requirements were added to item I.B.1(a).
- A definition for cost-effectiveness was added to item 1.B.1(k) and supplemented with a footnote with a more lengthy description of the intended analysis.
- Text was added to item 1.B.2 to more explicitly describe long-term and short-term effects of concern, and the entities that should be engaged in developing mitigation plans. This includes an expanded list of the specific concerns that should be addressed in project implementation plans for any new and improved conveyance in the Delta.
- Changes were made to the operations recommendations (item III.B.) to address impact to water levels that could occur from construction and operation of new water conveyance infrastructure.

*New and Improved Water Storage.* Council members had comments related to defining terms, providing more specificity, and clarifying the intent.

Staff Response: Staff made the following edits in response to Council comments.

- Text was revised to clarify the meaning of the terms “flexibility” and “favorable” and reference added to the relevant operations recommendations under item III.
- Text in section II.A.1(e) regarding conjunctive management of surface and groundwater was revised for clarity and reference to SGMA was added.
- Text in item II.A.2. was revised to clarify that expanded surface water storage projects should allow storage of local supplies for use when Delta exports are reduced.
- Text in item II.B.2(a) “...ability to store water during wet periods...” was revised to clarify the intent to provide dedicated carryover storage pools for dry year use.
- Text in item II.B.3(b) (page 24) was revised to note the intent to achieve balanced groundwater levels.
- Text under item II.C.1(a) was revised to state that recharge via stream-aquifer interactions should not negatively affect functional flows in a stream.

- Item II.C.3. was modified to note that the California Department of Water Resources (DWR) or the Water Board could implement the recommendation for an incentive-based program to preserve areas suitable for groundwater recharge.

*Improve Operations of Storage and Conveyance.* Council members had comments related to more specifically defining “flow impacts”, referencing the goals of other agencies, referencing existing performance measure tracking tools, and corrections to the historical timeline.

Staff Response: Staff made the following edits to the discussion draft.

- Item III.A.2. was revised to add flow direction and water levels, and to note that the plan should be consistent with the Delta Plan’s framework for adaptive management.
- Item III.B.1. was revised to add conservation and recovery goals of the California Department of Fish and Wildlife.
- Text in Item III.D.2(b) was revised to recommend that projects help contribute to achieving groundwater sustainability goals established pursuant to SGMA.
- Text in Item III.E. was modified to address the Council’s existing online tracking and reporting tools. Specific tool names were not referenced, as these may change over time.
- The “Timeline of Major Conveyance, Storage, and Operations” was modified per Council comments.

In addition to Council comments, staff received many comments from the public. These comments and staff responses are summarized by theme in Attachment 4: *Summary of Public Comments on the Revised Discussion Draft of Proposed Delta Plan Amendment on Conveyance, Storage Systems, and the Operation of Both from April 28, 2017 Delta Stewardship Council Meeting.*

Many of the oral comments provided at the Council meeting were related to the California WaterFix project or Bay Delta Conservation Plan (BDCP) proposed by DWR and U.S. Bureau of Reclamation, rather than to the discussion draft. Some comments, however, were also provided on the discussion draft recommendations and the discussion draft Attachment A, public outreach for the amendment, and other assorted amendment topics. Staff generally agreed with comments related to considering impacts of new conveyance on Delta salinity, promoting increased storage, promoting reduced reliance on the Delta including desalination, and considering risk from sea level rise.

Based on Council and public comments, staff has developed a revised discussion draft for your consideration (Attachment 5: *Revised Discussion Draft Amendment [with track changes] dated May 16, 2017*).

### Today's Briefing

The purpose of today's briefing is to continue the discussion of the proposed Delta Plan CSO amendment and hear from two panels regarding issues that were raised during previous public comment: 1) the science supporting the amendment; and 2) effects of the amendment.

### Panel Discussions

In order to facilitate these discussions, staff has provided the panelists with a description of the amendment (Attachment 6. *Description of Conveyance, Storage Systems, and the Operation of Both Delta Plan Amendment*) as well as the revised amendment draft that incorporates comments from the April 28, 2017 meeting (Attachment 5).

#### *Panel 1: Examining the science supporting the proposed amendment*

Panelists will discuss the underpinnings of science related to the potential effects of proposed recommendations for new or improved conveyance, storage and operations on the Delta. The panel will be facilitated by Lead Scientist Cliff Dahm and will include the following participants:

- **Jon Rosenfield**, Ph.D., conservation biologist, the Bay Institute.
- **Jon Burau**, project chief, United States Geological Survey.
- **Jeffrey Mount**, Ph.D., senior fellow, PPIC Water Policy Center.

#### *Panel 2: Examining the effects of the proposed amendment*

Panelists will discuss how recommendations in the proposed amendment address issues such as trust, water quality and salinity, predictability of water exports and in-Delta water use, SGMA, and options for improvements to through-Delta conveyance. The panel will include the following participants:

- **Tom Zuckerman**, Central Delta Water Agency
- **Lester Snow**, former California Secretary for Natural Resources
- **Jason Peltier**, Executive Director, San Luis-Delta Mendota Water Authority
- **Tim Stroshane**, Restore the Delta or **Michael Brodsky**

### Next Steps

- Staff will continue to refine the discussion draft incorporating today's input and direction from the Council. In June 2017, staff will present a revised version of the proposed Delta Plan CSO amendment for Council consideration.
- At the June 2017 meeting, staff will request that the Council approve the draft Delta Plan CSO amendment as the proposed project description in order for staff

to proceed with environmental review. If this occurs, as part of the approval of the project description the Council will direct staff to analyze the draft Delta Plan CSO amendment in the Environmental Impact Report (EIR), (discussed below), as part of the proposed project under CEQA.

- Following Council approval to proceed with environmental review of the draft Delta Plan CSO amendment, staff will ask the Delta Independent Science Board to conduct a review of the draft Delta Plan CSO amendment and provide a report for consideration during the CEQA review period.
- The Delta Plan CSO amendment will be analyzed in a draft EIR that will be prepared for all of the proposed Delta Plan amendments (i.e., Delta Levees Investment and Risk Reduction Strategy; Delta Plan CSO; and Performance Measures).
- In the summer/fall, the draft EIR for the amendment will be released for public review and comment, including a hearing to take comments on the draft EIR, leading to preparation of a final EIR.
- Council certifies the EIR, and adopts the Delta Plan CSO amendment.

Throughout the process, staff will continue to provide regular updates to the Council and stakeholders.

### **Fiscal Information**

Not applicable.

### **List of Attachments**

Attachment 1: Compilation of Delta Plan Policies and Recommendations

Attachment 2: Summary of Council Comments on the draft Delta Plan amendment for Conveyance, Storage Systems, and the Operation of Both from April 28, 2017 Council meeting

Attachment 3: Regulatory Context for Water Conveyance, Storage, and Operations in California

Attachment 4: Summary of Public Comments on the Revised Discussion Draft of the Proposed Delta Plan Amendment on Conveyance, Storage Systems, and the Operation of Both from April 28, 2017 Delta Stewardship Council Meeting

Attachment 5: Revised Discussion Draft Amendment (with track changes) dated May 16, 2017

Attachment 6: Description of Conveyance, Storage Systems, and the Operation of Both Delta Plan Amendment

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